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REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed September 20, 2005.

Claims 39-56 are pending. Claims 1-38 are cancelled without prejudice or disclaimer. New claims 39-56 are added. The amendments are fully supported by Applicants' original specification, including the original claims and drawings.

In view of the foregoing amendments and the following discussion, Applicants respectfully submit that none of the claims now pending in the application are obvious over the cited references under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all these claims are now in allowable form.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant responsive amendments.

Claims 39-56 Patentable over Ellis/Zdepski under §103

Claims 1-11, 13, and 16-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Publication No. US 2004/0117831 for Ellis et al. ("Ellis") in view of U.S. Patent No. 6,606,746 to Zdepski et al. ("Zdepski").

According to MPEP §2143, to establish a prima facie case of obviousness under §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The combination of Ellis and Zdepski fails to teach or suggest all the elements in claims 39-56.

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Zdepski discloses a method for displaying a graphical user interface by providing a compressed background picture and pasting insert pictures into the background picture in response to interactive program execution and/or user input. (Zdepski, abstract.) Such pasting one picture into another is not the same as the claimed slice encoding of different regions that form a music interface, because no pasting is done. Specifically, each region is separately slice-encoded at the headend and then recombined to form the music interface for display at the set top terminal. The claimed recombined regions are different than the background and pasted insert picture of Zdepski. Furthermore, the division of frames into a grid of squares in Zdepski is different than the claimed slice-encoded regions, because regions are functional (e.g., music channel listing region, header region, music channel description region) while the grid is based on pixels. (Zdepski, col. 2, lines 29-39; Figure 4A.)

Ellis fails to teach or suggest any slice encoding at all. Figures 2 and 3 of Ellis are not the same as the claimed music interface because the content there is not related to a music interface but, more broadly to various themes and niche hubs. The claimed invention is for a music interface in an interactive program guide so that the music interface is one part of the larger interactive program guide and advantageously provides an interface just for the music channels.

Therefore, claims 39-56 are patentable over the proposed combination of Ellis and Zdepski under §103 and Applicants respectfully request reconsideration and allowance.

Claims 39-56 Patentable over Hendricks/Ellis/Zdepski under §103

Claims 35-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,990,927 to Hendricks et al. ("Hendricks") in view of Ellis in further view of Zdepski.

Claims 39-56 are patentable over the combination of Ellis and Zdepski for the reasons given above. Furthermore, Hendricks fails to make up for the lack of teaching or suggestion in Ellis and Zdepski. Specifically, Hendricks fails to teach or suggest the claimed slice-encoded regions that are transmitted from the headend and recombined to form the music interface at the set top terminal.

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Therefore, claims 39-56 are patentable over the proposed combination of Hendricks, Ellis, and Zdepski under §103 and Applicants respectfully request reconsideration and allowance.

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CONCLUSION

Thus, Applicants submit that all the claims pending in the application are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Lea Nicholson at (732) 530-9404 so appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

01/20/06

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